

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HILDA CALDERON, DERELL PRUITT, ISUARA MARTINEZ, ORALIA ARAGON, JASMINE COX, RONALD PETERSON, PLAZ HALL MURDOCK-ALEXANDER, JR., GUADALUPE REYNA, KEEONA PERSON, KATIA ARROYO, VERONICA PADILLA, MICHELLE GONGARA, NORMAN GREEN, KEVIN JAMES, JAMES LEWIS and PAUL FLANAGAN, on behalf of themselves and similarly situated employees,

Plaintiffs,

v.

PERSONNEL STAFFING GROUP, LLC d/b/a MVP, MVP WORKFORCE, LLC, THE SEGERDAHL CORP., METROPOLITAN GRAPHIC ARTS, INC., GEORGIA NUT COMPANY, VISUAL PAK COMPANY, MPS CHICAGO, INC. d/b/a JET LITHO, THE PENRAY COMPANIES, INC. and WESTROCK CONSUMER PACKAGING GROUP, LLC d/b/a AGI MEDIA,

Defendants.

Case No. 15 C 9626

Judge Alonso

Magistrate Judge Cole

**JOINT MOTION TO DISMISS DEFENDANT
GEORIG A NUT COMPANY *WITHOUT PREJUDICE***

Plaintiffs Hilda Calderon, Derell Pruitt, Isuara Martinez, Oralia Aragon, Jasmine Cox, Ronald Peterson, Plaz Hall Murdock-Alexander, Jr., Guadalupe Reyna, Keeona Person, Katia Arroyo, Veronica Padilla, Michelle Gongara, Norman Green, Kevin James, James Lewis and Paul Flanagan, on behalf of themselves and all other persons similarly situated, known and unknown, jointly with Georgia Nut Company (“Georgia Nut”), move this court to dismiss Defendant Georgia Nut Company under Fed. R. Civ. P. 41(a)(2) *without prejudice* pursuant to a tolling agreement between the Plaintiffs and Georgia Nut Company. The Segerdahl Corp. is unopposed to this motion. In support Plaintiffs state as follows:

Early in litigation, Plaintiffs sought tolling agreements from each of the third party client

companies named in this suit. Several agreed and were dismissed from the action when Plaintiff's filed their Second Amended Class Action Complaint on February 17, 2016. Georgia Nut was unable to respond in time to be included in that wave of dismissals. However, on or about April 20, 2016, Defendant Georgia Nut agreed to toll its liability in the current action by executing an agreement to that effect. In exchange, Plaintiffs agreed to seek Georgia Nut's dismissal from the instant case. Plaintiffs sought dismissal by stipulation under Fed. R. Civ. P. 41(a)(1)(A)(ii), but the Defendants, except Georgia Nut, failed to respond to the Plaintiffs' request for agreement. Plaintiffs' and Georgia Nut now seek dismissal by court order under Fed. R. Civ. P. 41(a)(2).

Wherefore Plaintiffs and Georgia Nut Company ask this court to dismiss Defendant Georgia Nut Company without prejudice from this action.

Respectfully submitted,

Dated: May 3, 2016

/s/ Neil Kelley

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